



Sahtu Land & Water Board
REASONS FOR DECISION
Issued Pursuant to Section 72.25 and 121 of
Mackenzie Valley Resource Management Act
Section 40(2)(c) of
Mackenzie Valley Land Use Regulations

Type A Land Use Permit S21C-005

This is the decision of the Sahtu Land & Water Board with respect to the applications deemed complete October 13, 2021 for issuance of a Land Use Permit made by:

Selwyn Chihong Mining Ltd.
501 – 3292 Production Way, Burnaby BC. V5A 4R4

for: Mineral Exploration – Howard’s Pass, South Nahanni Watershed, Tulit’a District, NT

With respect to this application, written notice was given to 22 organizations within the Sahtu Settlement Area and 16 outside of the settlement area in accordance with Sections 63 & 64 of the *Mackenzie Valley Resource Management Act*. There was no Public Hearing held in association with this application.

BACKGROUND

Selwyn Chihong Mining Ltd. (SCML) (the Applicant) has submitted a complete application for the renewal of their type A land use permit S16C-002, expiring on November 23, 2021. The purpose of this Application is to allow SCML to extend their exploration activities to the mineral claims and leases in the Howard’s Pass area of the Northwest Territories (15% of the Selwyn Project area) using the existing camps, infrastructure, and equipment that are currently in place on the Yukon side of the border (85% of the Selwyn Project area).

This will be the second renewal of the original Permit S07C-003 issued in 2009, following an Environmental Assessment. Only three of the planned 100 holes were drilled on Northwest Territories claims by SCML in 2014 under this permit. The permit was renewed in 2016 (S16C-002). No additional Project activities occurred during this period of active authorization.

Authorization History

Previous authorizations associated with this Project include the following:

- Permit **S07C-003** issued to SCML in 2009 following Environmental Assessment.
- Renewal Permit **S16C-002** issued to SCML in 2016.

Project Scope

The scope of the Project remains the same as originally applied for. When the Project activities commence, there will be up to six diamond drills in operation from approximately June to November of each field season. Drills are moved by helicopter lift or by towing on a sled with a Caterpillar Dozer (CAT) using existing 2.5 m width CAT trails from previous exploration work. Approximately 10 km (< 4 ha) of new CAT trails may be required to skid drills to previously unexplored areas.

Due to the proposed location of approximately 40 drill targets within 100 m of watercourses, the Applicant requested the Board to reduce the standard **100 m setback** from the Ordinary High Water Mark (OHWM) of any watercourse to **30 m** from the OHWM when performing the land use activities described in the application.

DECISION

After having been satisfied that the project has been screened pursuant to s.125(1)(a) of the *Mackenzie Valley Resource Management Act*, and that any potential adverse environmental effects were insignificant or mitigatable with known technology, and as such the application could proceed through the regulatory process and after reviewing the submission of the Applicant and after reviewing the written comments received by the Board; the Board, having due regard to the facts and circumstances, the merits of the submissions made to it, and to the purpose, scope and intent of the MVRMA and the Mackenzie Valley Land Use Regulations made thereunder has determined that:

Land Use Permit S21C-005 will be issued subject to the terms and conditions contained therein.

The Board's reasons for this decision are as follows:

- The Applicant meets eligibility requirements under subsection 18(a)(i) of the MVLUR as in any other case, holds the right to search for, win or exploit minerals or natural resources.
- It is the opinion of the Board that the requested term of five years for the Permit is in accordance with section 26(5) of the MVLUR.
- It is the opinion of the Board that the proposed Project is of a nature contemplated by section 58 of the MVRMA and falls within the jurisdiction of the Board for the use of land (section 59), and that the Project is deemed a legacy land use under the Sahtu Land Use Plan (SLUP) and exempt from the zoning conformity requirement of the SLUP for proposed land use activities within the Nááts'ihch'oh Proposed Conservation Initiative Zone 41.
- It is the opinion of the Board that in accordance with section 47 of the MVRMA, the Applicant has demonstrated conformity of the Project with applicable conformity requirements of the Sahtu Land Use Plan and has met the compliance obligations to the Sahtu Land Use Planning Board as outlined in section 46.
- The Board is satisfied that appropriate notification and consultation has been conducted in accordance with section 63 of the MVRMA and that advice respecting the presence of heritage resources and wildlife and wildlife habitat that might be affected by the proposed use of land or waters or the deposit of waste has been sought and considered in accordance with section 64 of the MVRMA.
- It is the opinion of the Board that the **Engagement Plan and Record** demonstrates satisfactory efforts by the Applicant, considering the pandemic restrictions, with the local communities of Tuli't'a and Norman Wells and continue to respond to requests for future business and employment opportunities for local community members, including the hiring of Wildlife Monitors. The Board approves the **Engagement Plan**.

- There were no significant public concerns identified for this Project.
- It is the opinion of the Board that that the renewal Application is **exempt from preliminary screening**, in accordance with Schedule 1, Part 2 (a) and (b) of the Exemptions List Regulations, as it has not been modified and has fulfilled the requirements of the environmental assessment process.
- All potential environmental impacts identified by the proponent and review agencies can be mitigated with known technology and have been addressed in the Applicant's preliminary screening report from S07C-003 and in the Terms and Conditions of Land Use Permit S21C-005.
- It is the opinion of the Board that the **terms and conditions of Permit S21C-005**, pursuant to section 26 of the MVLUR, and based on i) recommendations received through the public review process by reviewers and the Applicant, and ii) the Boards' Standard Land Use Permit Conditions Template, will ensure that any potential environmental impacts resulting from the proposed Project activities are not significant. The effects of the Project on the environment can take place in an environmentally responsible manner provided that environmental considerations and mitigation measures outlined in the application documents are followed.
- It is the opinion of the Board that the Applicant's **Spill Contingency Plan (SCP) version 4.0** conforms with the intent of the *Guidelines for Spill Contingency Planning* (Indian and Northern Affairs Canada, 2007), and there are no outstanding reviewer comments. The Board approves SCP version 4.0.
- It is the opinion of the Board that the Applicant's **Comprehensive Waste Management Plan (WMP) version 6.0** conforms with the intent of the Board's *Guidelines for Developing a Waste Management Plan* and there are no outstanding reviewer comments. The Board approves WMP version 6.0.
- It is the opinion of the Board that the Applicant's **Restoration Plan** will ensure the Project is progressively reclaimed as drilling targets are completed and that following Project completion the site will be fully restored. The Board approves Restoration Plan version 1.0.
- It is the opinion of the Board, based on evidence received during the review process, and review of previous authorizations for this Project, that:
 - i) the use of sumps or natural depressions for disposal of non-toxic drilling wastewater was applied for, screened for potential impacts, and approved. The Board will continue to approve this use.
 - ii) the location of sumps within 30 m of a watercourse has been applied for, screened, and not approved. The Board does not approve the Applicant's request for reduced setback of sumps from any watercourse from 100 m to 30, except upon authorization of an Inspector.
 - iii) the location of drill targets is not prohibited when in proximity to any watercourse. However, when drilling within 100 m of any watercourse, the Applicant shall contain non-toxic drill wastewater and dispose of in a sump located more than 100 m from any watercourse.

Land Use Permit S21C-005 contains provisions that the Board feels necessary to ensure and monitor compliance with the MVRMA and the Regulations made thereunder, and to provide appropriate safeguards in respect of SCML's use of the lands affected by the Permit.

The Board will provide any referenced material or documents and/or reasons for decision for any specific clause or clauses contained within the application if requested to do so in writing.

SIGNED this 16 day of November 2021 on behalf of the Sahtu Land & Water Board.

A handwritten signature in black ink, appearing to be 'Tanya MacIntosh', written over a horizontal line.

Tanya MacIntosh
Chair, Sahtu Land & Water Board